

Bruce T. Beasley

In re: GREGORY ANDREW BENNALLACK and
SUSAN EILENE BENNALLACK,

Debtor(s).

☒ Senior Lienholder has ***not*** filed a Proof of Claim related to its claim, but

has assigned to this claim. The Debtor's schedules list the amount of Senior Lienholder's claims as \$441,107.00 .

3. The Subject Property is also collateral for a junior secured claim of Chase ("Junior Lienholder").

[Check only one box, and fill in blanks]

☒ Junior Lienholder has filed a Proof of Claim No.: 16 related to such claim, and such Proof of Claim claims a debt of \$149,996.43 . Junior Lienholder's Proof of Claim indicates that Junior Lienholder has assigned to this claim.

[or]

☐ Junior Lienholder has *not* filed a Proof of Claim related to its claim, but has assigned to this claim. The Debtor's schedules list the amount of Junior Lienholder's claims as .

4. Given the above, Junior Lienholder's interest in the Debtor's interest in the Subject Property has no value.

THEREFORE, IT IS HEREBY ORDERED THAT, pursuant to *Zimmer v. PSB Lending Corp.* (*In re Zimmer*), 313 F.3d 1220 (9th Cir. 2002), and 11 U.S.C. §§ 506(a) and 506(d), Junior Lienholder's claim is unsecured, and shall be treated as unsecured for all purposes in this case, including the manner in which such claim is treated and paid in Debtor's chapter 13 plan; and

IT IS FURTHER ORDERED THAT, should this case be converted to one under another chapter, 11 U.S.C. § 348(f) shall govern the continued validity of this order; and

IT IS FURTHER ORDERED THAT, should this case be dismissed, 11 U.S.C. § 349(b)(1)-(3) shall govern the continuing validity of this order; and

1 IT IS FURTHER ORDERED THAT nothing in this order shall be deemed to be an
2 allowance or disallowance of any claim of Senior Lienholder or Junior Lienholder, and any party
3 in interest, including the Debtor or the Trustee, may hereafter object to either claim on any
4 ground recognized by the Bankruptcy Code.

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1 In accordance with LR 9021, counsel submitting this document certifies that the order
2 accurately reflects the court's ruling and that:

3 _____ The Court has waived the requirement set forth in LR 9021(b)(1).

4 ☒ No party appeared at the hearing or filed an objection to the motion.

5 _____ I have delivered a copy of this proposed order to all counsel who
6 appeared at the hearing, and each has approved or disapproved the order, or failed
7 to respond, as indicated.

8 _____ I certify that this is a case under Chapter 7 or Chapter 13, that I have
9 served a copy of this order with the motion pursuant to LR 9014(g), and that no
10 party has objected to the form or content of the order.
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13 APPROVED/DISAPPROVED

APPROVED/DISAPPROVED

14 By: _____

By: _____

15
16 »
17 Submitted by:

18 By: /s/ Tricia M. Darby
19 TRICIA M. DARBY, ESQ.
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